



Mayor and City Council of Cumberland

Mayor Raymond M. Morriss
Councilman Seth D. Bernard
Councilman Richard J. "Rock" Cioni
Councilman Eugene T. Frazier
Councilwoman Laurie P. Marchini

City Administrator Jeffrey D. Rhodes
City Solicitor Michael S. Cohen
City Clerk Marjorie A. Woodring

AGENDA

Regular Meeting
57 North Liberty Street, City Hall, Cumberland, MD

DATE: July 02, 2019

OPEN SESSION - 6:15 P.M.

I. Pledge of Allegiance

II. Roll Call

III. Presentations

1. Comments to be received from Burgmeier's Hauling on the FY20 trash and recycling program

IV. Director's Reports

(A) Public Works

1. Utilities Division - Treatment Plants & Central Services Monthly Report for May, 2019

V. Approval of Minutes

1. Approval of the Closed Session Minutes of May 7, 2019, the Work Session Minutes of May 14, 2019, and the Regular Session Minutes of June 4, 2019

VI. New Business

(A) Orders (Consent Agenda)

1. **Order 26,471** - authorizing the Chief of Police to accept a GOCCP Maryland Criminal Intelligence Network (MCIN) grant for FY20 in the amount of \$233,455.00 for personnel, equipment and overtime costs associated with our focus on identifying, disrupting, and dismantling gangs and violent criminal networks involved in the distribution of illegal drugs, the use of firearms in crimes of violence, human trafficking, or other inherently violent criminal enterprises. This amount also includes \$7,000 to support Gun Investigation overtime, submitted under the FY20 Gun Violence Reduction Grant application.

- 2. Order 26,472** - accepting the proposal from CBIZ Insurance to provide Public Officials Liability Insurance for the period July 1, 2019 - June 30, 2020 in the amount not to exceed \$17,267
- 3. Order 26,473** - accepting the proposal from Local Government Insurance Trust (LGIT) to provide insurance coverages for Police Professional Liability, Property, Auto, General Liability and Excess Liability in the total estimated amount of \$234,666 for the period July 1, 2019 through June 30, 2020
- 4. Order 26,474** - authorizing execution of a Contract of Sale with Scott R. and Terri M. Dabbs (Sellers) for the purchase of property at 609 Maryland Avenue (Tax Acct No. 04-037065) for the purchase price of \$37,300 and relocation expenses of \$5,000, and authorizing acceptance of the deed of transfer

VII. Public Comments

All public comments are limited to 5 minutes per person

VIII. Adjournment

CITY OF CUMBERLAND

MONTHLY REPORTS

Water Filtration Plant &

John J. Difonzo

Water Reclamation Facility

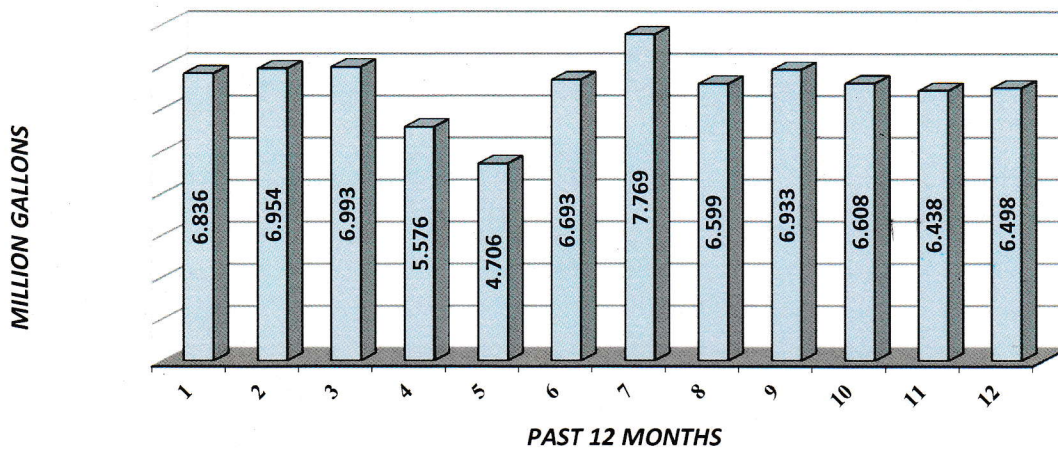
Central Services - May 2019

CITY OF CUMBERLAND'S WATER TREATMENT PLANT

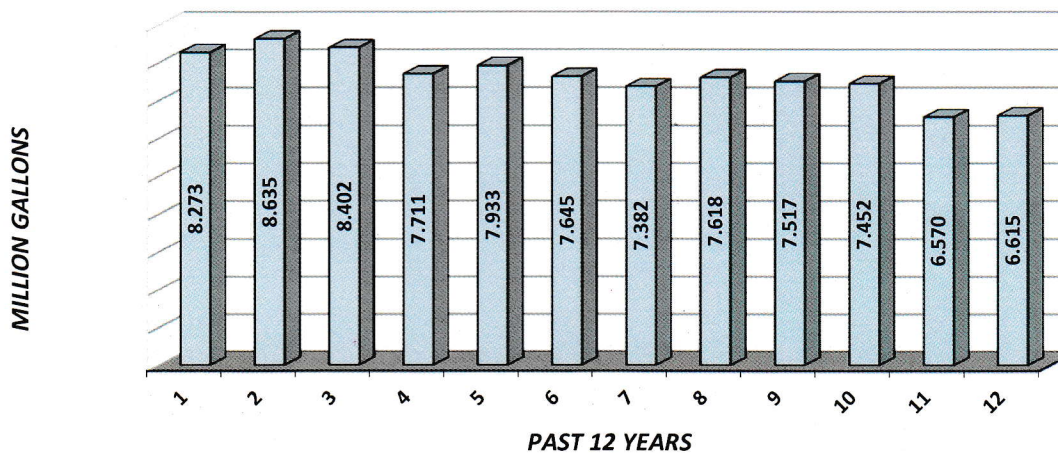
MONTHLY UTILITY REPORT

MAY 2019

AVERAGE DAILY PRODUCTION



AVERAGE DAILY PRODUCTION



BRIEF LISTING of EVENTS

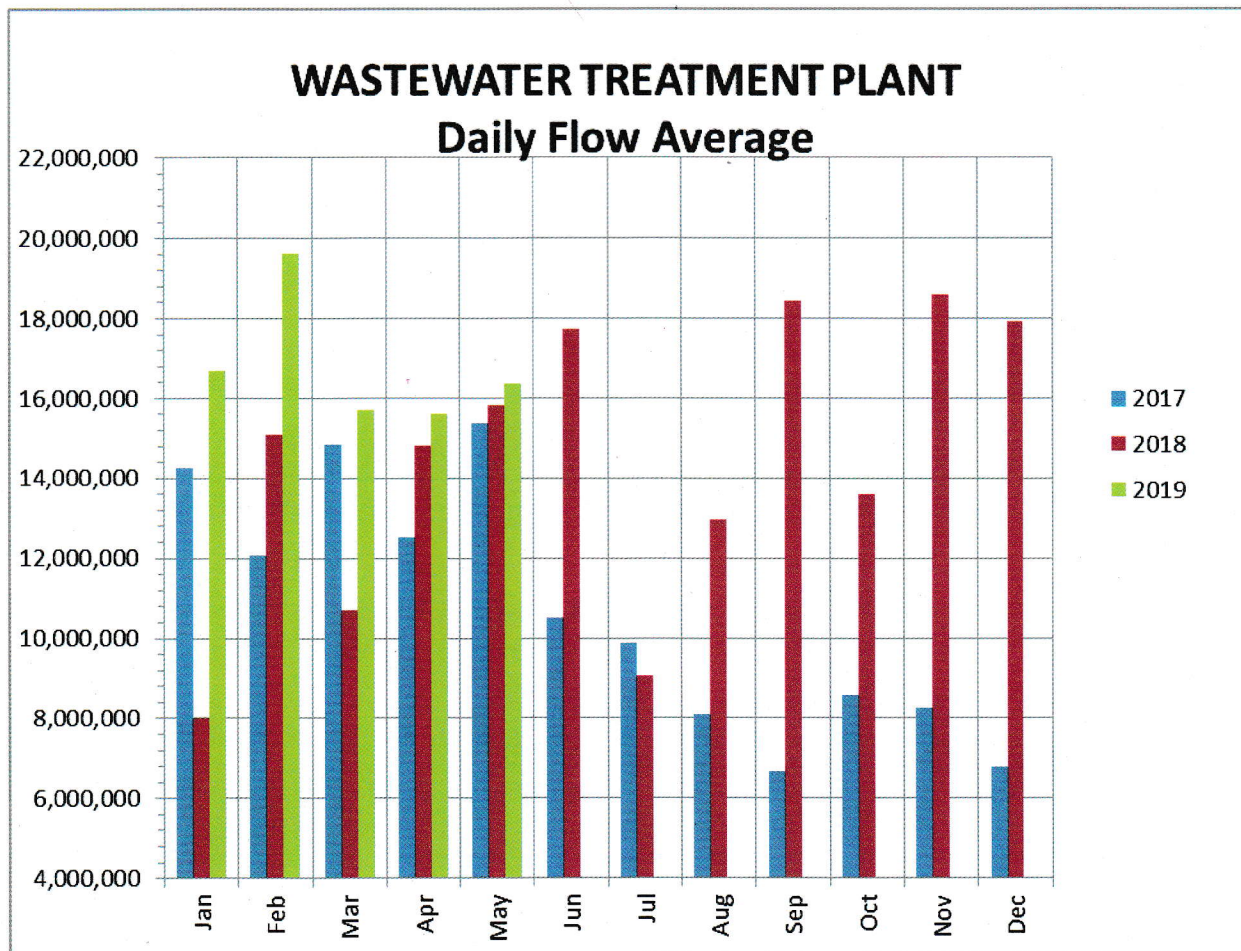
- > 100% COMPLIANCE WITH ALL FEDERAL & STATE DRINKING WATER REGULATIONS
- > OVER 100 PREVENTIVE MAINTENANCE TASKS COMPLETED/1,300 WATER ANALYSIS PERFORMED
- > TREATMENT PLANT, PUMPING STATIONS, TANKS AND RESERVOIRS OPERATED/MAINTAINED CONTINUOUSLY 365/24/7
- > CONTINUED UNREGULATED CONTAMINATE MONITORING ROUND 4
- > KICKOFF MEETING FOR PLANT INTAKE PROJECT WITH ENGINEERING DEPT. AND GD&F ENGINEERS
- > BOTH LAKE GORDON AND LAKE KOON AT 100% CAPACITY

4 COMPLETED DAM MAINTENANCE/ REPAIRS NOTED ON DAM INSPECTION

Wastewater Treatment Plant – May 2019

OPERATIONS:

Treated 496,461,000 gallons @ an average of 16.373 million gallons per day. Removed 248,901 pounds of total suspended solids, 158,314 pounds of BOD, 35,557 pounds of total nitrogen, and 3,810 pounds of total phosphorous. Processed 804,155 gallons of sludge producing 92.75 dry tons of Class "A" bio-solids. All Federal and State reporting requirements were in compliance. Monthly Flow Comparison Chart is attached.



Central Services – May 2019

- **City Hall:** 2nd quarterly fire alarm test. Repaired air handler basement level. (not moving air) Replaced LEDs in HR offices and in front of elevators.
- **Municipal Service Center:** Removed old roof top units (HVAC). Installed new roof top units. Replaced emergency release cable on main gate controller.
- **Public Safety Building:** Install data cables at PSB from 2nd floor data room to 3rd floor C3I office. Repaired desk in 3rd floor C3I office PSB. Replaced emergency lights in Fire Dept. PSB. Replace broken conduit fitting on parking lot lights. 2nd quarterly fire alarm and sprinkler test. Fire Station #2 A/C not working. Moved file cabinets and hung new white boards in Police Dept office. Replaced valves on sink in 2nd floor women's locker room. Started building new MED room in garage of Fire Dept.
- **Downtown Area & Mall:** Repair lights at George St parking garage. Lights not working on lower half of mall. (Pulled new wire)
- **Parks and Rec.:** Repaired scoreboard at Cavanaugh Field. Repaired conduits on water slide at Park Pool. Worked on camera at main Pool Building that were not working.
- **Traffic and Street Lights:** Install new traffic cabinet and traffic light pole at Centre St. and Queen City Dr. PM's on traffic control cabinets. Repaired lights on Henderson Ave Bridge. Installed new light pole on Mechanic St. Installed new controller at Henderson Ave. and Pear St. Intersection. Located and marked street lights to be repaired by Potomac Edison.
- Load tested generators.
- Monthly Safety Meeting



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MINUTES

M&CC Regular Public Meeting
City Hall Council Chambers

DATE: June 04, 2019

I. Closed Session - 5:45 P.M.

1. Convene in Open Session for the purpose of closing the meeting for an Executive Session pursuant to Section 3-305 (b) (1) of the General Provisions Article of the Annotated Code of Maryland to discuss an employee resignation

Motion to move into Closed Session was made by Councilman Bernard, seconded by Councilman Frazier, and was passed on a vote of 4-0.

2. Executive Session

II. Open Session

1. 6:15 p.m. - Reconvene into Open Session

Mayor Morriss reconvened the meeting in open session at 6:15 p.m.

III. Pledge of Allegiance

IV. Roll Call

PRESENT

Mayor Raymond M. Morriss
Councilman Seth Bernard
Councilman Eugene T. Frazier
Councilman Richard J. "Rock" Cioni

ABSENT

Councilwoman Laurie P. Marchini

ALSO PRESENT: Jeffrey D. Rhodes, City Administrator; Michael S. Cohen, City Solicitor; Charles Hinnant, Police Chief; Donald Dunn, Fire Chief; Marjorie Woodring, City Clerk

V. Statement of Closed Meeting

1. Summary Statement of Executive Session

Mayor Morriss announced that a Closed Session had been held on June 4, 2019 at 5:45 p.m. and read into the record a summary of that session, which is attached hereto and made a part of these minutes as required under Section 3-306 (c)(2) of the General Provisions Article of the Annotated Code of Maryland.

VI. Presentations

1. Presentation from Western Maryland Delegate Michael McKay of the 90-Day Legislative Report

Delegate Mike McKay advised that the 2019 Session of the General Assembly has concluded, and discussed his 90-day Legislative Report for District 1C, which contains the status of legislation he either sponsored or co-sponsored in Annapolis, and how he voted on each bill and its results. He added that the information was also posted on social media, provided a copy to each council member, and offered to provide a copy to any resident if requested. Delegate McKay encouraged all citizens to contribute and weigh in on issues that are important to the residents of the City, and passed out a newsletter to those in attendance.

VII. Director's Reports

A. Public Works

1. Maintenance Division monthly report for April, 2019

B. Police

1. Police Department monthly report for April, 2019

C. Utilities - Treatment Plants

1. Utilities Division - Treatment Plants & Central Services monthly reports for April, 2019

Motion to approve the Reports was made by Councilman Frazier, seconded by Councilman Cioni, and was passed on a vote of 4-0.

VIII. Approval of Minutes

1. Approval of the Budget Work Session Minutes of April 16, the Work Session Minutes of May 1, and the Regular Session Minutes of May 7, 2019

Motion to approve the Minutes was made by Councilman Frazier, seconded by Councilman Cioni, and was passed on a vote of 4-0.

IX. Unfinished Business

(A) Ordinances

Mr. Rhodes reviewed details of each Ordinance prior to vote.

Ordinance No. 3848 (*2nd & 3rd Readings*) - providing for the City Tax Levy for FY20 (Real Estate 1.0595 per \$100 of assessed value/Personal Property 2.648 per \$100 of assessed value)

SECOND READING: The Ordinance was presented in title only for its Second Reading. The Second Reading was suspended and a motion approve the Second Reading and move to the Third after comment was made by Councilman Bernard, seconded by Councilman Frazier, and was passed on a vote of 4-0.

Mayor Morriss called for questions or comments. Being none, the Ordinance moved to its Third Reading.

THIRD READING: The Ordinance was read in its entirety for its Third Reading. Mayor and Council were polled individually and the Ordinance was approved by all on a vote of 4-0.

Ordinance No. 3849 (*2nd & 3rd Readings*) - providing for the annual appropriation for the General Fund for FY20

SECOND READING: The Ordinance was presented in title only for its Second Reading. The Second Reading was suspended and a motion to approve the Second Reading and move to the Third after comment was made by Councilman Bernard, seconded by Councilman Cioni, and was passed on a vote of 4-0...

Mayor Morriss called for questions or comments. Being none, the Ordinance moved to its Third Reading.

THIRD READING: The Ordinance was read in its entirety for its Third Reading. Mayor and Council were polled individually and the Ordinance was approved by all on a vote of 4-0.

Ordinance No. 3850 (*2nd & 3rd Readings*) - providing for the annual appropriation for the Water Fund for FY20

SECOND READING: The Ordinance was presented in title only for its Second Reading. The Second Reading was suspended and a motion to approve the Second

Reading and move to the Third after comment was made by Councilman Bernard, seconded by Councilman Cioni, and was passed on a vote of 4-0.

Mayor Morriss called for questions or comments. Being none, the Ordinance moved to its Third Reading.

THIRD READING: The Ordinance was read in its entirety for its Third Reading. Mayor and Council were polled individually and the Ordinance was approved by all on a vote of 4-0.

Ordinance No. 3851 (*2nd & 3rd Readings*) - providing for the annual appropriation for the Sewer Fund for FY20

SECOND READING: The Ordinance was presented in title only for its Second Reading. The Second Reading was suspended and a motion to approve the Second Reading and move to the Third after comment was made by Councilman Bernard, seconded by Councilman Cioni, and was passed on a vote of 4-0.

Mayor Morriss called for questions or comments. Being none, the Ordinance moved to its Third Reading.

THIRD READING: The Ordinance was read in its entirety for its Third Reading. Mayor and Council were polled individually and the Ordinance was approved by all on a vote of 4-0.

Ordinance No. 3852 (*2nd & 3rd Readings*) - providing for the annual appropriation for the Special Purpose Funds for FY20

SECOND READING: The Ordinance was presented in title only for its Second Reading. The Second Reading was suspended and a motion to approve the Second Reading and move to the Third after comment was made by Councilman Bernard, seconded by Councilman Frazier, and was passed on a vote of 4-0.

Mayor Morriss called for questions or comments. Being none, the Ordinance moved to its Third Reading.

THIRD READING: The Ordinance was read in its entirety for its Third Reading. Mayor and Council were polled individually and the Ordinance was approved by all on a vote of 4-0.

Ordinance No. 3853 (*2nd & 3rd Readings*) - to repeal and reenact, with amendments, Section 24-86 of the City Code to provide for a water rate increase, effective July 1, 2019

Mr. Rhodes explained that this is the 2nd year of what was agreed to last year, which was three 5% increases over the next three years rather than one large increase, and provided comparisons of rates in surrounding communities.

SECOND READING: The Ordinance was presented in title only for its Second Reading. The Second Reading was suspended and a motion to approve the Second Reading and move to the Third after comment was made by Councilman Bernard, seconded by Councilman Frazier, and was passed on a vote of 4-0.

Mayor Morriss called for questions or comments. Being none, the Ordinance moved to its Third Reading.

THIRD READING: The Ordinance was read in its entirety for its Third Reading. Mayor and Council were polled individually and the Ordinance was approved by all on a vote of 4-0.

Ordinance No. 3854 (*2nd & 3rd Readings*) - to repeal and reenact Section 21-8.1 (a) of the City Code to provide for new rates for refuse collection effective July 1, 2019

Mr. Rhodes advised that the trash service for the City was recently bid out, with Burgmeier's Hauling being selected again this year. He advised that there is a cost increase of \$4.02 per month, which is fixed for 3 years, and provided comparisons with other communities.

SECOND READING: The Ordinance was presented in title only for its Second Reading. The Second Reading was suspended and a motion to approve the Second Reading and move to the Third after comment was made by Councilman Bernard, seconded by Councilman Frazier, and was passed on a vote of 4-0.

Mayor Morriss called for questions or comments.

A question was asked if property owners could decide on who they themselves want for their trash service. Mayor Morriss replied that was not an option in the City.

The Ordinance moved to its Third Reading.

THIRD READING: The Ordinance was read in its entirety for its Third Reading. Mayor and Council were polled individually and the Ordinance was approved by all on a vote of 4-0.

Ordinance No. 3855 (*2nd & 3rd Readings*) - to repeal and reenact with amendments Section 17-26 and 17-27 of the City Code regarding establishment of the Planning and Zoning Commission to correct references to the Annotated Code, clarify the role of the members, provide for an alternate member, include a residency requirement, and incorporate statutory provisions regarding removal of members

Mr. Rhodes advised that other than the fact that they the change is providing for an alternate voting member at the request of the Planning Commission, this is a housekeeping matter to make it read the way the State Code reads.

SECOND READING: The Ordinance was presented in title only for its Second Reading. The Second Reading was suspended and a motion to approve the Second

Reading and move to the Third after comment was made by Councilman Bernard, seconded by Councilman Frazier, and was passed on a vote of 4-0.

Mayor Morriss called for questions or comments. Being none, the Ordinance moved to its Third Reading.

THIRD READING: The Ordinance was read in its entirety for its Third Reading. Mayor and Council were polled individually and the Ordinance was approved by all on a vote of 4-0.

X. New Business

(A) Orders (Consent Agenda)

Mr. Rhodes reviewed each item on the Consent Agenda prior to vote and Mayor Morriss called for questions or comments. Motion to approve Consent Agenda items 1-3 was made by Councilman Bernard, seconded by Councilman Frazier, and was passed on a vote of 4-0.

1. **Order No. 26,456** - authorizing the Chief of Police to accept funds from the Allegany County Board of Education received through the FY19 School Safety Evaluation grant in the amount of \$3,036.75 to provide overtime funding to be used conducting school safety evaluations.
2. **Order No. 26,457** - accepting the sole source purchase of a used 2009 GMC C5500 Aerial Lift Truck from Utility Auto Sales/Utility Lifts & Equipment for an amount not to exceed \$52,500.00
3. **Order No. 26,458** - authorizing the City Administrator to execute all FY20 Employment Agreements for part-time employees of the City of Cumberland

A question was asked as to how many part-time employees the City was hiring for the summer. Jeff deferred to City Comptroller Ken Tressler, who advised that there are 18 part-time and 45 seasonal positions budgeted.

XI. Letters / Petitions

1. Letter from Lambda Car Club International requesting use of the top two levels of the George St. Parking Garage from June 18 through June 23, 2019, and to close a portion of Baltimore Street between George St. and Queen City Drive on Saturday, June 22, between the hours of 8 a.m. - 5 p.m., to host the 2019 Lambda Car Club International Grand Invitational.

Mayor and Council provided a consensus for the event.

XII. Public Comments

Jim Brant, property owner (126, 128, 130 Bedford Street) in the City for 30 years, stated that he was told by the Water Department he has to spend \$1,000 to have his water meters put outside on the street, and added at his age he doesn't think he can even borrow the money to get that done. He explained that this property is a rental unit, and spoke about the water bills for the apartments. Mr. Rhodes discussed the reasons why the City is required to have the meters outside – one important one being a state law about backflow – and how moving the meters makes reading them more accessible. He also discussed what the City's responsibilities are for a leak versus when it is the owner's responsibility. He added that the City has been required to do this for the last couple decades, the ordinance was passed in 1979, and has involved about 14K meters, but he told Mr. Brant he could certainly check and see if there is anything unique about that property's billing. City Comptroller Ken Tressler added that there is an amount in the budget every year to move meters, for individual private residences, with commercial residences such as Mr. Brant's being the responsibility of the owner. A question was asked to clarify the City's responsibilities for water lines and leaks. Mr. Rhodes replied that the responsibility is harder to control when the meter is in the house, but added that the water line running through the property owner's yard is their responsibility, regardless of where the meter is located. He further explained that if there's a leak in the line in the middle of somebody's yard, it's that property owner's responsibility – starting from where their line taps into the main, which runs down the street. There was discussion regarding false information that a property owner was given about responsibility and meters, which Mayor Morriss and Mr. Rhodes clarified.

Mrs. Brant, 126, 128, and 130 Bedford Street, wanted to expand on their water situation, saying they have always let the City Water Department in to read the meters, for 30 years, and doesn't understand why now the meters have to move. She added that they are paying too much for water, with one residence occupied, and stated that the City is "pushing them out". Mrs. Brant also spoke on the Constant Yield tax rate issue, how most people don't understand it, and told Council they are deceiving people by telling them the tax rate isn't changing from last year. She went on to explain about assessable tax rates and how it correlates to the constant yield. She added that people's taxes are going up. Mrs. Brant spoke on the population in the City. She mentioned that schools and hospitals have closed because the City is losing people, that the City is on a downward cycle, and asked why would anyone want to move to Cumberland? Councilman Frazier commented that he built a new house in Cumberland six years ago because he loves Cumberland, loves the water service, Police and Fire Department and EMS protection services, and added that he could have built anywhere he wanted. He stated that the services Cumberland has do cost, but if you want these services, you're going to have to pay a little more, otherwise, they'll go away, and then the City would lose people faster.

Ed Mullaney, 213 Fayette Street, asked Andrea Rafferty to hand out a brochure for LBC that would address what he was going to talk about. Mr. Mullaney stated he is a very

proud resident of the West Side of Cumberland, in the vicinity of the three closed bridges, and has invested in properties in that area. He spoke about the poor streets and overgrown weeds in the area, and pointed out the photos in the hand-out of the three closed bridges, adding that they create fire and safety hazards as emergency personnel have to circumvent around them, causing delays. Mr. Mullaney also mentioned the economic impact of the bridge closures, and he further stated that the Bridge Closed signs are a glaring disruption to the unity of the neighborhoods. He said he appreciates the City's efforts, but the City needs to work together with the people, have more communication and be more positive. Mayor Morriss replied that the City appreciates everything Mr. Mullaney does, and that he had brought up some good points. He agreed the City needs to do a better job of communicating the issues. Mayor Morriss also stated that right now it's a matter of waiting on the engineering reports from Wilson T. Ballard, and his understanding is that they have been turned over to CSX for review and the City should be hearing something shortly. He assured Mr. Mullaney that they are all as frustrated as him, and the City will do a better job of communicating.

Terry Murphy, 706 Washington Street, also spoke on the West Side bridges issue, asking where things are since the last meeting she spoke at. Mayor Morriss again stated that the reports are in CSX's hands and the City is hoping to get them back quickly. Solicitor Cohen stated that he had more information, saying that the reports were ready, and the City needed to negotiate terms of a non-disclosure agreement because a lot of the information for the study came from CSX, that was proprietary information. He added that the terms of the agreement were finalized and will be on the agenda for the next Mayor and Council meeting. After staff has reviewed the report they can chart a path on how best to proceed with the Fayette Street bridge, which will certainly be rebuilt, and to look at the issues presented by the Washington Street bridge. A question was asked if there was a possibility that all three bridges could be worked on at the same time. Cohen advised that it is unlikely that Washington Street would be worked on at the same time, but it's his expectation that Cumberland and Fayette Street bridges will be.

Jose Taylor, 4 Chetwood Drive, read a letter written by one of his property owners voicing concerns about public parking available for residents living in the 100 Block of N. Mechanic Street. The letter stated that there used to be public parking in the Kennedy Towers lot which has been changed to commercial. The letter asked that a compromise be reached with the City. Mr. Taylor advised that this property owner manages a 4-unit building at 140-146 N. Mechanic Street, and has received three parking tickets in one month. He added that the man has had to park his vehicle at Rose's Plaza to avoid more tickets. Mr. Taylor added that it's very hard to rent at that apartment because of no parking. He said they are asking that some spaces be made residential for housing in the area. Mr. Taylor then spoke on a tree at 306 Decatur Street, which has limbs growing out over the building. He said he contacted Paul Eriksson, City Arborist, who advised him the tree was on the radar to address. Mr. Rhodes replied that he will look into the issue. Mayor Morriss thanked Mr. Taylor for bringing the issue of parking to their attention, adding that they would review it and look for options. Mr. Mullaney advised that there was a free City lot up by the Viaduct that is a little further away, but seldom used.

All public comments are limited to 5 minutes per person.

XIII. Adjournment

With no further business at hand, the meeting adjourned at 7:27 p.m.

Minutes approved on _____

Raymond M. Morriss, Mayor _____

ATTEST: Marjorie A. Woodring, City Clerk _____

Mayor and City Council of Cumberland

Closed Session Summary

June 4, 2019 at 5:45 p.m.

Second Floor Conference Room, City Hall

On June 4, 2019, the Mayor and City Council met in closed session at 5:45 p.m. in the second floor conference room of City Hall to discuss an employee resignation. Authority to close the session was provided by Section 3-305 (b) (1) of the General Provisions Article of the Annotated Code of Maryland.

Persons in attendance included Mayor Raymond Morris; Council Members Seth Bernard, Richard Cioni, Eugene Frazier, and Laurie Marchini; City Administrator Jeff Rhodes, City Solicitor Michael Cohen, City Clerk Marjorie Woodring, Police Chief Charles Hinnant

Absent: Councilwoman Laurie Marchini

On a motion made by Council Member Bernard and seconded by Council Member Frazier, Council voted 4-0 to close the session.

No actions were voted upon and the meeting was adjourned at 6:18 p.m.



Raymond M. Morris, Mayor

Entered into the public record on JUN - 4 2019

Mayor and City Council of Cumberland

WORK SESSION

City Hall Council Chambers
57 N. Liberty Street
Cumberland, MD 21502

Tuesday, May 14, 2019
4:30 p.m.

PRESENT: Raymond M. Morriss (arrived late), President; Council Members: Seth Bernard, Richard Cioni, and Eugene Frazier. Councilwoman Laurie Marchini was absent.

ALSO PRESENT: Jeffrey D. Rhodes, City Administrator; Michael Cohen, City Solicitor; Marjorie Woodring, City Clerk; Paul Kelly, CEDC Executive Director; Matt Miller, CEDC Economic Development Specialist

I. RECAP FROM LAST SESSION

Paul Kelly, Executive Director of the Cumberland Economic Development Corporation, discussed Cumberland Gateway, LLC, and gave a summary of the last Work Session meeting, saying everything was on target, and the group is working well with Engineering. He added that they are still working to acquire properties in that area. Mr. Kelly discussed creating a developer check-list.

II. DESTINATION BY DESIGN

The Mayor and City Council confirmed the predominately commercial use for the development area. The CEDC's procurement of housing analysis was discussed, and they advised that they had applied for a technical grant and will apply for an ARC grant. They also met with the civil engineer last week, and the rest of the demolition will be going out for bids. They advised that there is no set timeline for shovels in dirt. The next step is the submission of the development plan, which is well underway and prepared to submit within 30 days.

III. BALTIMORE STREET ACCESS PROJECT

There was discussion on written confirmation from the state that cursory reviews showed no impediment from SHA on the street design prepared by Cochran Studio. They offered to continue working with the CEDC as a guide to match up the line items of work with particular funding sources. There will be more detail with the final plans.

A meeting is scheduled for tomorrow with Engineering and Cochran where unresolved questions in terms of implementation will be discussed; example: whether the committee had recommended electrical outlets at the bottoms of each lamppost and each tree, or just one or the other.

The preliminary timeline:

1. May 20th – EADS gives preliminary cost estimate
2. Aug. 15th – EADS finalizes and provides plans, specs, and estimates
3. Nov. 15th – Hopefully SHA completes review of plans
4. Dec. 1st – RFP issued
5. Feb. 1st, 2020 – Recommended for award to SHA
6. Mar. 1st – Concurrence and award comes back
7. Apr. 1st – Notice to proceed to contract

It was discussed that this is an aggressive timeline; however, the SHA review can take up to six months – this compresses it to three months. Mr. Kelly stated that they are being pushed to make sure dirt is flying in 2020. A question was asked about what point in the process would staff want to be assured that funding was in place, or available, to meet the April 1st notice to proceed. Mr. Kelly replied that the goal is to obtain as much funding as possible, stating the City has agreed through TAP to a 10% or 20% match. He added that additional funds from ARC do not require a match. He further stated that the Deputy Director Beckett has received word from the Governor to find sources throughout the state. He said the City now has 3.5 Million, with the potential of ARC to expand on that.

Mr. Rhodes stated that it depends on what cost estimates the City gets and whether the CEDC can get funding, and said the City has other capital improvement projects coming up which will take a substantial amount, so Baltimore Street would have to be included in that.

There was more discussion on funding and when the City will have a definitive answer on that so as to move forward with the decision. The timing of the market and interest rates was discussed, and also checking with City financial advisors.

Mr. Kelly advised that he spoke with Kathy Mckenney regarding leftover funds from the parklet next to Ottaviani's, and they agreed to order some furniture for that area, (bench, trash receptacle, bike rack), and have it match what is being recommended for Baltimore Street so they can test it out and see how it weathers. He consulted with Cochran and matched up the correct color.

Mr. Kelly stated that it has become evident to him that William Cochran would be a really good resource moving forward because questions keep popping up regarding what is being recommended, etc. Mr. Kelly advised that he is now in negotiations with Cochran for an on-going consulting contract on an hourly basis, paid by the CEDC. He further advised that he purposely delayed hiring a secretary, which was in the budget, to instead save the money for carrying costs on the M&T building and William Cochran. He added that he will keep staff informed. He mentioned down the road using him on the Destination by Design work.

IV. M&T REDEVELOPMENT PROJECT – 118 BALTIMORE STREET

Mr. Kelly advised Mayor and Council on information about the M&T Bank building:

1. Contract of Sale in place
2. Effective date April 15, 2019
3. Purchase price \$500K
4. Assessed at \$1.6M
5. Closing on or before June 30, 2019
6. CEDC has to procure an appraisal – already ordered
7. DGS (administer of funds) has to get concurring appraisal
8. Board of Public Works has to approve grant agreement – any meeting between now and June 30, 2019
9. DGS has to release funds.

He advised that one of the other things the CEDC is working on is preparing a budget to hold the land for a period of time, which will include retrofitting locks, lighting continued, inspection of premises, security, etc., which will have a price tag attached. He added that the CEDC is due some additional money this budget year, so they will use that to offset these costs.

Mr. Kelly advised that the plan is to develop the premises in conjunction with Baltimore Street, but are waiting for details on construction, because it would be hard to have a hotel there without a road going to it. He stated that they have had a number of serious inquiries from downstate; hotel developers, real estate developers, etc. He said they will issue an RFP for development of the premises for any and all uses, with an emphasis on a hotel, and then vet all the responses. He added that they would ask inquirers if they wanted an outright purchase from the CEDC, or to be an equity partner, and would also ask them specifically about plans to incorporate hospitality management programs with Allegany College and FSU.

V. CONNECTIVITY & URBAN PLANNING WITH DESTINATION BY DESIGN

Mr. Kelly advised that the committee now has 25-26 people, and mirrors what was happening with the Baltimore Street Design Committee. He stated that it represents all levels of government, with Robin Summerfield agreeing to come on board today. Mr. Kelly added that a number of business owners downtown are also in the committee. He spoke of the meeting that occurred on May 7th between the committee and Destination by Design, saying they provided a PowerPoint presentation showing design concepts and held a round table discussion about the need for connectivity, catalyst projects, housing projects, sidewalks, roads, bikes, etc. Mr. Kelly advised they would meet again on May 29th. He said they also discussed how best to make the most of all of the gateways into Cumberland, including Amtrak and the GAP trail.

Mr. Kelly stated that they would meet again as a group with Destination by Design on May 29th, where they provide some of their preliminary concepts, with the final design concepts to be presented to the group on June 26th. Destination by Design then wants a formal presentation on July

9th with Mayor and Council where they will provide their recommendations, with a packet sent out ahead of time to go review.

There was discussion on who from Council was attending the meetings with the CEDC. Mr. Kelly advised that Councilman Cioni sat in on the last one, but said that at least two from Mayor and Council should attend if possible. Councilman Cioni stated that Destination by Design was a pretty impressive group, and liked the many ideas they had, as well as their enthusiasm.

Mr. Kelly stated that he and Matt Miller meet weekly with the County Administrator or his staff on Economic Development matters, with almost daily contact on recruitment effort and getting data from them. He also advised of the CEDC's meeting with Secretary Holt on May 31st, where they will give a presentation of the work accomplished on Baltimore Street, then dovetail into the preliminary information for Destination by Design, introduce housing study concepts and other economic development efforts. He then stated that Secretary of Commerce Shoals will be coming to Cumberland tentatively on July 23rd to do a listening tour of the City, and she will have an itinerary of places to go. He stated they will have a chance for a conversation with her, and stated Mayor and Council could attend as well.

VI. VERSO MITIGATION EFFORTS

Mr. Kelly stated that he and Matt Miller attended the Verso Job Fair, saying that there were a lot of folks there, no parking close by when they got there, and it was a very sobering experience, and gave a summary of the day's events there. He said he felt it was a success as there were lots of hungry employers in attendance (over 90 employers and resources on site), lots of folks giving good advice, community support, healthcare and retirement was covered, and there were investment advisors.

Matt Miller also discussed his part in the employer outreach effort through his contacts, adding that with just a few emails sent out, it spread like wildfire to employers, with so many contacting them they had to turn some down due to space limitations. He also spoke of partnering with the County, who formed a website that became a portal for employees to go on, enter their information, and then be fed continuously updated information on job opportunities. He stated that it's sort of becoming a one-stop-shop for job availability. He added that it was an eye-opener as to the kind of community support there is when things like this happen, and said they plan to have another job fair at a larger facility in the future.

There was discussion about which corporations were at the job fair, Northrup Grumman being a strong presence, having a good turnout from non-local employers - many from up and down the I-81 corridor, as well as the US Capital Police Department along with many other PDs.

Mr. Miller advised that employers are discovering there is a very skilled, willing and capable workforce now available. He will come in to see the Mayor and Council on another day to explain business retention efforts. He explained that through the portal the County created, they will be able to get a sense of the number of former Verso workers living in the City. He added that the

ripple effect on the closure will be felt here very heavily, in ways they haven't even thought about right now.

Mr. Rhodes discussed the trickle-down effect of the closure, saying he hasn't heard any numbers from the County, and the City has not analyzed the effect yet. He added that his opinion is it will have a different impact on the communities of Westernport, Piedmont, Luke, and Lonaconing. He said it could have some impact in Cumberland as far as County dollars – having fewer resources to help the City, as well as more houses for sale, lower tax dollars, etc.

VII. ADJOURNMENT

With nothing further, the meeting adjourned at 5:30 p.m.

Respectfully submitted,

Marjorie A. Woodring
City Clerk

Minutes approved _____

Mayor and City Council of Cumberland

Closed Session Minutes

City Hall, 57 N. Liberty Street, Cumberland, MD 21502

Second Floor Conference Room

Tuesday, May 7, 2019, 5:30 p.m.

The Mayor and City Council convened in open session at 5:30 p.m. for the purpose of closing the meeting for an executive session pursuant to Section 3-305 (b)(7) of the General Provisions Article of the Annotated Code of Maryland to obtain legal advice regarding a forthcoming ruling of the Board of Zoning Appeals.

MOTION: Motion to enter into closed session was made by Councilman Frazier, seconded by Councilman Cioni, and was passed on a vote of 4-0.

PRESENT: Raymond M. Morriss, President; Council Members Richard Cioni, Eugene Frazier and Laurie Marchini

ALSO PRESENT: Jeffrey D. Rhodes, City Administrator; Michael Cohen, City Solicitor; Marjorie Woodring, City Clerk;

Council Agenda Summary

Meeting Date: July 2, 2019

Agenda Item Number:

Key Staff Contact: Chief Charles H. Hinnant

Item Title:

FY20 Maryland Criminal Intelligence Network (MCIN) Grant

Summary:

Authorize the Chief of Police to accept the FY20 Maryland Criminal Intelligence Network (MCIN) grant in the amount of \$233,455 for personnel, equipment and overtime costs associated with our focus on identifying, disrupting, and dismantling gangs and violent criminal networks involved in the distribution of illegal drugs, the use of firearms in crimes of violence, human trafficking, or other inherently violent criminal enterprises, through enforcement, prevention, intervention, and reentry strategies. This amount includes an additional \$7,000 to support the Gun Investigations Overtime that was submitted under the FY20 Gun Violence Reduction Grant application.

Issues and Considerations:

<i>Fiscal Impact:</i>	
Is this item budgeted? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Budget:	Enter Text Here
Value of award:	\$233,455
If item is not budgeted, does the budget need to be appropriated? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Is there grant funding being used? <input type="checkbox"/> Yes <input type="checkbox"/> No	
If grant funding is being used, does it require a City match? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Match provisions:	Enter Text Here
Is this a sole source purchase? <input type="checkbox"/> Yes <input type="checkbox"/> No (If so, attach department recommendation and approval from City Administrator.)	

- Order -
of the
Mayor and City Council of Cumberland
MARYLAND

ORDER NO. 26,471

DATE: July 2, 2019

ORDERED, By the Mayor and City Council of Cumberland, Maryland

THAT the Chief of Police be and is hereby authorized to accept a GOCCP Grant entitled "Maryland Criminal Intelligence Network (MCIN)" for FY20 in the amount of Two Hundred Thirty-three Thousand, Four Hundred Fifty-five Dollars and No Cents (\$233,455.00) for the period 7/1/19 – 6/30/20 to provide personnel, overtime support and equipment to assist in identifying, disrupting and dismantling gangs and violent criminal networks involved in the distribution of illegal drugs, the use of firearms in crimes of violence, human trafficking, or other inherently violent criminal enterprises, through enforcement, prevention, intervention, and re-entry strategies.

BE IT FURTHER ORDERED that the above amount includes an additional Seven Thousand Dollars and No Cents (\$7,000.00) to support the Gun Investigation overtime that was submitted under the FY20 Gun Violence Reduction Grant application.

Raymond M. Morriss, Mayor

Grant: 2019-MC-0021



GOVERNOR'S COORDINATING OFFICES

COMMUNITY INITIATIVES • SERVICE & VOLUNTEERISM • PERFORMANCE IMPROVEMENT
CRIME CONTROL & PREVENTION • SMALL, MINORITY & WOMEN BUSINESS AFFAIRS
CHILDREN • DEAF & HARD OF HEARING

June 25, 2019

Chief Charles Hinnant
Cumberland Police Department
20 Bedford Street
Cumberland, Maryland 21502

Mr. David Goad
Cumberland Police Department
20 Bedford Street
Cumberland, Maryland 21502

Reference: 2019-MC-0021

Dear Chief Hinnant,

The Governor's Office of Crime Control and Prevention (GOCCP) have reviewed your grant application request for the FY 2020 Maryland Criminal Intelligence Network (MCIN) grant program. I am pleased to inform you that your project titled, "FY20 Maryland Criminal Intelligence Network Program," will be funded in the amount of \$233,455. *Please note that this amount includes an additional \$7,000 to support Gun Investigations Overtime that was submitted under your FY20 Gun Violence Reduction Grant (GVRG) application.*

Our office anticipates that the official award packets will be sent out in the upcoming weeks. Should you have any questions or need specific budget information please contact me via email at Quentin.Jones@maryland.gov. In the meantime, please accept this letter as GOCCP's official Notice of Intent to fund your program for the award period of July 1st, 2019 to June 30th, 2020.

Thank you for your continuous efforts and commitment to making Maryland safer.

Sincerely,

Quentin Jones,
Program Manager

GOVERNOR'S COORDINATING OFFICES
100 COMMUNITY PLACE
CROWNSVILLE, MD 21032-2023

- Order -
of the
Mayor and City Council of Cumberland
MARYLAND

ORDER NO. 26,472

DATE: July 2, 2019

ORDERED, By the Mayor and City Council of Cumberland, Maryland

THAT, the proposal from CBIZ Insurance to provide Public Officials Liability Insurance for the period of July 1, 2019 – June 30, 2020 be and is hereby accepted in the amount not to exceed Seventeen Thousand, Two Hundred Sixty-Seven Dollars (\$17,267.00).

Raymond M. Morriss, Mayor

- Order -
of the
Mayor and City Council of Cumberland
MARYLAND

ORDER NO. 26,473

DATE: July 2, 2019

ORDERED, By the Mayor and City Council of Cumberland, Maryland

THAT, the proposal from Local Government Insurance Trust (LGIT) be and is hereby accepted to provide insurance coverages as follows for the period of July 1, 2019 through June 30, 2020 in the following estimated costs:

Police Professional Liability	\$ 23,506.00
Property Insurance	123,556.00
General Liability	14,976.00
Excess Liability	5,610.00
Auto	<u>67,018.00</u>
Total	<u>\$ 234,666.00</u>

Raymond M. Morriss, Mayor

CONTRACT OF SALE

THIS CONTRACT OF SALE ("Contract") is made by and between **Mayor and City Council of Cumberland** ("Buyer") and **Scott R. Dabbs and Terri M. Dabbs** ("Sellers") and is effective as of the date its execution is completed as shown in the signature provisions on the last page of this Contract before the Addenda.

1. **Property Description.** Sellers agree to sell to Buyer, and Buyer agrees to purchase from Sellers, all of the following tracts or parcels of land, together with the improvements thereon, and the rights, roads, ways, waters, privileges and appurtenances thereto or in anywise appertaining which are owned by Sellers and are hereinafter referred to collectively as the "Property":

609 Maryland Avenue, Cumberland, MD 21502, Allegany County Land
Records Book 1945, Page 410, Tax Account No. 04-037065.

2. **Purchase Price; Relocation Assistance.** The purchase price for the Property (the "Purchase Price") is Thirty-Seven Thousand Three Hundred Dollars (\$37,300.00). Buyer shall also provide Sellers a payment in the amount of Five Thousand Dollars (\$5,000.00) (the "Relo Payment") to compensate them for the expenses they expect to incur in moving their residence to another location.

3. **Payment Terms.** The Purchase Price and Relo Payment shall be paid at settlement.

4. **Estate.** The Property is being conveyed in fee simple.

5. **Contingencies.** This Contract and the consummation of the transaction contemplated by its terms are contingent upon the following:

- A. Sellers shall deliver the Property to Buyer free of tenants or inhabitants of any kind, with all of any such individuals' personal property and belongings having been removed. Sellers shall be responsible for legally evicting any tenants who may have been leasing the Property.
- B. Sellers shall be responsible for the termination of all utility services to the Property.
- C. Settlement shall be contingent upon Buyer's performance of a walk-through inspection of the Property within 48 hours prior to settlement in order to confirm that the Property will be delivered to Buyer in accordance with the terms of Sections 5 and 8 of this Contract. Buyer shall have the right to waive this contingency and proceed to settlement without conducting the said inspection.

Notwithstanding the foregoing, Buyer shall have the right to insist that Sellers perform as required in subparagraphs A and B above. In that regard, Buyer shall have the right to bring an action to specifically enforce those provisions in the event they are not met within the time frame set for settlement as provided for hereinafter.

6. **Representations & Warranties.** The Property is being sold in as-is condition, without any express or implied warranties or representations made as to its condition or otherwise, and subject to all defects, if any, known or unknown.

7. **Risk of Loss.** The Property is to be held at the risk of Sellers until legal title has passed or possession has been given to Buyer.

8. **Possession.** Sellers agrees to give Buyer possession and occupancy of the Property at the time of settlement. Sellers will deliver the Property in substantially the same physical condition as of the date of his/her/their/its execution of this Contract but free of Sellers' personal property and all junk, trash and debris. Any personal property, junk, trash or debris shall be deemed to be abandoned and Buyer may dispose of it in any manner it sees fit, including, but not limited to, selling it or disposing of it as rubbish.

9. **Adjustments.** All general or special taxes, rents, ground rents, public, private or community water and/or sewer charges, including any deferred sewer and water tap fees, homeowners association charges and all other public, private or governmental charges or assessments, excluding liens which must be paid prior to deed recordation, which may exist, whether such have been levied or not, are to be adjusted and apportioned as of the date of settlement, and will be assumed and paid thereafter by Buyer. Notwithstanding the foregoing, the Buyer shall waive any real estate taxes it is due to and it shall be responsible for the payment of any real estate taxes due to Allegany County.

10. **Deed and Title.** Upon payment of the Purchase Price, a deed conveying the Property from Sellers to Buyer containing covenants of special warranty and further assurances shall be executed by Sellers. The deed shall be prepared by Buyer its expense. Title to the Property shall be good and merchantable, free of liens and encumbrances, except as specified herein and except use and occupancy restrictions of public record which are generally applicable to properties in the immediate neighborhood or the subdivision in which the Property is located and publicly recorded easements for public utilities and any other easements which may be observed by an inspection of the Property.

11. **Agency/Real Estate Commission.** Sellers and Buyer warrant and represent that no real estate broker participated in the procurement or negotiation of this Contract. Each party agrees to defend, indemnify, and hold the other harmless for any claim for real estate commissions arising by reason of the indemnifying party's breach of this warranty. The provisions of this paragraph shall survive settlement and the delivery, acceptance and recordation of the deed for the Property or the termination of this Contract.

12. **Settlement.** Settlement shall occur no later than sixty (60) days after the effective date of this Contract. Buyer's City Solicitor is authorized to consent to extensions of the date for settlement on behalf of Buyer.

13. **Notice of Disclosure or Disclaimer Statements; Lead-Based Paint.** Buyer is advised that under Maryland law (Real Property Article, Section 10-702), a purchaser is entitled to receive from a seller a written Residential Property Condition Disclosure Statement or a Written Residential Property Disclaimer Statement on forms provided by the Maryland Real Estate Commission. No such statements are provided with this Contract as, under Section 10-702(b)(2)(vi), this transaction is exempt from that law due to the fact that the Property will be demolished.

Similarly, the disclosures relative to lead-based paint hazards under the Residential Lead-Based Paint Hazard Reduction Act of 1992, 42 U.S.C. 4852d, are inapplicable because the Property is presently unoccupied and it is not intended to be occupied for residential purposes.

14. **Documentary Stamps, Recordation, Transfer Taxes.** Transfers to municipalities are exempt from recordation and transfer taxes under Md. Tax-Property Code Ann. §12-108(a) & 13-207(a)(1). Therefore, such taxes shall not be assessable in connection with the recordation of the deed for the Property.

15. **Assignability.** This Contract may not be assigned without the written consent of Sellers, said consent not to be unreasonably withheld.

16. **Captions.** The marginal captions of this Contract are for convenience and in no way define or limit the intents, rights or obligations of the parties hereunder.

17. **Entire Agreement.** This Contract and any addenda thereto contain the final and entire agreement between the parties, and neither they nor their agents shall be bound by any terms, conditions, statements, warranties or representations, oral or written, not herein contained.

18. **Maryland Law Applies.** This Contract shall be governed and construed according to the laws of the State of Maryland without regard to principles of conflict of laws. It shall be enforceable by means of an action commenced in the Circuit Court for Allegany County, Maryland or the District Court of Maryland for Allegany County, and both parties waive the right to claim that such a proceeding is commence in an inconvenient forum or one that lacks proper venue.

19. **Breach of Contract and Default.** Buyer and Sellers are required and agree to make full settlement in accordance with the terms of this Contract and acknowledge that failure to do so constitutes a breach hereof. In the event of a breach, each of the parties hereto is entitled to pursue such rights and remedies as may be available, in law or in equity, including, without limitation, an action for specific performance of this Contract and/or monetary damages. If either party defaults, the party committing the default, whether Buyer or Sellers, shall reimburse the non-defaulting party for the reasonable attorneys' fees that party incurred as a result of the default.

20. **Binding Effect.** This Contract shall be binding upon the parties hereto and each of their respective heirs, personal representatives, administrators, executors, successors, assigns, and guardians

21. **Gender/Tense/Conjugation.** The use of any gender, tense, or conjugation herein shall be applicable to all genders, tenses and conjugations. The use of the singular shall include the plural and the plural shall include the singular.

22. **Jury Trial Waiver.** THE PARTIES HERETO WAIVE TRIAL BY JURY IN ANY ACTION OR PROCEEDING TO WHICH ANY OF THEM MAY BE PARTIES ARISING OUT OF OR IN ANY WAY PERTAINING TO THIS CONTRACT. IT IS AGREED AND UNDERSTOOD THAT THIS WAIVER CONSTITUTES A WAIVER OF TRIAL BY JURY OF ALL CLAIMS AGAINST ALL PARTIES TO SUCH ACTIONS OR PROCEEDINGS, INCLUDING CLAIMS AGAINST PARTIES WHO ARE NOT PARTIES TO THIS CONTRACT.

23. **Counterparts.** This Contract may be executed in one or more counterparts, each of which shall be deemed an original, but all of which taken together shall constitute one and the same instrument.

24. **Signing by Facsimile or Other Electronic Means.** Each of the parties hereto expressly authorizes and agrees to sign facsimile and/or other electronically transmitted copies of this Agreement. Facsimile and/or other electronically transmitted copies shall have the same binding effect as would a signed original counterpart of the Agreement once delivered to the other party.

IN WITNESS WHEREOF, the parties hereto have affixed their signatures hereto as of the date written beneath those signatures.

WITNESS:

MAYOR AND CITY COUNCIL OF
CUMBERLAND

[Redacted Signature]

By: [Redacted Signature]

Raymond M. Morriss, Mayor

[Redacted Signature]

Date

[Redacted Signature]

[Redacted Signature]

Scott R. Dabbs

[Redacted Signature]

Date

[Redacted]

[Redacted]

Terri M. Dabbs

[Redacted]

Date

- Order -
of the
Mayor and City Council of Cumberland
MARYLAND

ORDER NO. 26,474

DATE: July 02, 2019

ORDERED, By the Mayor and City Council of Cumberland, Maryland

THAT the Mayor be and is hereby authorized to execute a Contract of Sale by and between the Mayor and City Council of Cumberland ("Buyer") and Scott R. Dabbs and Terri M. Dabbs ("Sellers") for the property and improvements thereon located at 609 Maryland Avenue, Cumberland, as recorded among the Land Records of Allegany County, Maryland in Records Book 1945, Page 410, Tax Account No. 04-037065, for the purchase price of Thirty-seven Thousand, Three Hundred Dollars (\$37,300.00) and relocation expenses provided to the seller of Five Thousand Dollars (\$5,000.00); and

BE IT FURTHER ORDERED, that the City shall accept the deed effecting the transfer of said property, provided settlement contingencies are met; and

BE IT FURTHER ORDERED, that the City Administrator and City Solicitor are jointly and severally granted the authority to execute and deliver such documents as are necessary to facilitate or effect the closing for the subject property.

Raymond M. Morriss, Mayor